

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 08/999,245

Confirmation No.: 3613

Applicant : Jeff S. Eder

Filed : December 10, 1997

For: A method of and system for analyzing, modeling and valuing elements of a business enterprise

Art Unit : 3696

Examiner : Frantzy Poinvil

Docket No. : AR - 03

Customer No. : 53787

Letter

Sir or Madam:

The Assignee is in receipt of a notice of non compliant appeal brief dated June 25, 2009 for the above referenced application. The Assignee notes that the basis for said notice is an incorrect statement to the effect that claim 44 was reviewed in its current state on 9/10/2007. A review of the IFW shows that claim 44 was amended on 11/30/2007 and that the Examiner has not provided an Office Action for the claim as amended. Furthermore, the Examiner previously requested that all claims that the Examiner had not had an opportunity to review (i.e. claim 44) be removed from the appeal brief.

The Assignee also notes that the pending claims now closely resemble the claims that received a notice of allowability on November 20, 2000. Since that time:

1. considerable additional evidence of the novelty, non-obviousness and newness of the claimed invention has been placed in the record,

2. another apparently incorrect statement placed in the record for the above referenced application contributed to a considerable delay in the prosecution of the above referenced application,
3. considerable evidence that the personnel at all levels of TC 3600 appear to lack a basic understanding of the pertinent scientific and engineering principles has been placed in the record,
4. considerable evidence that the personnel in the BPAI appear to lack a basic understanding of the pertinent scientific and engineering principles has been placed in the record, and
5. considerable evidence that an apparent failure to apply one or more relevant statutes during prosecution enables the allowance and issue of a number of patents to large companies has been developed.

Given the above, it would be arbitrary and capricious to extend the prosecution of the above referenced application any further. Accordingly, the Assignee requests that a notice of allowance for the currently pending claims be provided at the Examiner's earliest convenience.

Respectfully submitted,
Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President
Dated: October 26, 2009